

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, April 7, 2015

The City Plan Commission held its regular meeting on Tuesday, April 7, 2015 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Rev. Stan Archie	Vice Chair
Ms. Margaret J. May	Member
Ms. Bobbi Baker-Hughes	Member
Mr. Coby Crowl	Member

ABSENT

Mr. Enrique Gutierrez	Member
Ms. Trish Martin	Member

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Mr. Joseph Rexwinkle	Staff
Ms. Ashley Winchell	Staff
Ms. Patty Noll	Staff
Mr. Gerald Williams	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Brett Cox	Land Development

Chairwoman Macy called the meeting to order at 9:10 A.M.

RE: **SD 1411C** – Final Plat, CenterPoint Intermodal Center Third Plat

APPLICANT: Lutjen, Inc.
Attn: Michael D. Ballard
1301 Burlington, Suite 100
North Kansas City, MO 64116

OWNER: Jim Cross
Centerpoint Kansas City One LLC
1301 Burlington, Suite 100
North Kansas City, MO 64116

LOCATION: Generally located at the southeast corner of Missouri State
Highway No. 150 and Andrews Road

AREA: About 38 acres

REQUEST: To approve a final plat creating one (1) lot in District M 1-5
(Manufacturing 1-5)

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Scott D. Confer, 11250 Corp Ave., Lenexa Kansas, had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE SD 1411C SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the developer revise the plat in the following manner:
 - a. Further recommendations and requirements by the Land Development Division.
2. That the developer submit a detailed Micro storm drainage study showing compliance with the approved and most current Macro study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent Water Quantity and Quality BMP's, conveyance systems, and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream

- conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.
3. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
 4. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
 5. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
 6. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
 7. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: SD 0956H, Final Plat, Hunt Midwest Business Park Lot 22A-1

APPLICANT/ OWNER: Mike Bell
Hunt Midwest Real Estate Development, Inc.
8300 NE Underground Drive
Kansas City, MO 64161

- AGENT:** Jed Baughman
Lutjen, Inc.
1301 Burlington Street, #100
N. Kansas City, MO 64150
- LOCATION:** Generally located at northwest corner of N. Arlington Avenue and NE Parvin Road.
- AREA:** Approximately 13 acres.
- REQUESTS:** To consider approval of a final plat in District M1-5 /US (manufacturing 1-5/underground space), creating one (1) commercial lot.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. David Matthews, Lutjen Inc. 1301 Burlington, North Kansas City Missouri had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE SD 0965H SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That plat be revised to show:
 - a. All corrections identified in the Land Development Division final plat checklist.
 - b. Add the City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
 - c. Revise N. Arlington Rd. to N. Arlington Avenue.
 - d. Delete the 'Street' dedication language if right of way is not being dedicated.
2. Further revisions and/or corrections of Land Development Division.
3. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
4. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
5. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property

owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

6. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: SD 0956I, Final Plat, Hunt Midwest Business Park Lot 29

APPLICANT/ OWNER: Mike Bell
Hunt Midwest Real Estate Development, Inc.
8300 NE Underground Drive
Kansas City, MO 64161

AGENT: Jed Baughman
Lutjen, Inc.
1301 Burlington Street, #100
N. Kansas City, MO 64150

LOCATION: Generally located at southwest corner of N. Arlington Avenue and NE Parvin Road.

AREA: Approximately 23 acres.

REQUESTS: To consider approval of a final plat in District M1-5 /US (manufacturing 1-5/underground space), creating one (1) commercial lot.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. David Matthews, Lutjen Inc. 1301 Burlington, North Kansas City Missouri had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE SD 0956I**
SUBJECT TO THE FOLLOWING CONDITIONS:

1. That plat be revised to show:
2. All corrections identified in the Land Development Division final plat checklist.
3. Add the City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
4. All abutting plat information.
5. Revise N. Arlington Rd. to N. Arlington Avenue on the location map.
6. Further revisions and/or corrections of Land Development Division.
7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
9. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
10. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
11. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crowl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: Case No. 11696-P-34

APPLICANT: Paul Peck
Luxe Architects
10528 Cherokee Ln
Leawood, KS 66201

OWNER: Liberty PW 2003
605 W 47th St, Suite 200
Kansas City, MO 64112

LOCATION: Generally located at 8450 N Church Rd.

REQUEST: To consider approval of a final plan in District B3-2 (Community Business), to allow construction of a 3,000 square foot expansion and renovation of an existing building.

Commissioner Crowl recused.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Paul Peck, 10528 Cherokee Lane, Leawood, KS, had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 11696-P-34 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, REVISED AS NOTED BELOW, be submitted to Development Management staff (15th Floor, City Hall), PRIOR TO BUILDING PERMIT showing:
 - a. Work with Development Management staff to revise landscape plan to be consistent with that from the approved final development plan and show street trees where possible along N Church Rd.
 - b. Remove the proposed monument sign from the plans.

Remove the proposed wall signs from the plans and add a note stating that such signs shall comply with 88-445 to the face of the plans.

Motion carried 4-0

VOTING AYE: Archie, Baker-Hughes, May, and Macy
VOTING NAY: None
RECUSED: Crowl
ABSENT: Martin, Gutierrez

RE: Case No. 13421-P-3

APPLICANT: David Barth
Quality Land Holdings, LLC.
6014 N. 9 Highway
Parkville, Missouri 64152

AGENT: Jason Robbins
Aylett Survey & Engineering Company
201 NW 72nd Street
Gladstone, Missouri 64118

LOCATION: Generally located at the northeast corner of NW 76th Street and
NW Waukomis Drive.

AREA: about 0.84 acres

REQUEST: To consider approval of a final plan in District R-7.5 (Residential
dash 7.5), to allow for a neighborhood pool and cabana within the
private open space tracts.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Jason Robbins, Aylett Survey Co; 201 NW 72nd Street, Gladstone, Missouri had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 13421-P-3 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to issuance of building permit showing:
 - a. Revised landscaping plan along the north and east property lines to add evergreen/ arborvitaes to provide year round screening per staff approval.

- b. Additional plantings along NW 76th Terrace per staff approval to increase the screening of the pool and fence from the public right of way.
 - c. Sidewalks on NW 76th Street extending up to N. Green Hills Road and along N. Green Hills Road to the limit of the tract boundary.
 - d. The material and height of the proposed fence around the pool and residential screening fence if one is utilized.
2. That the developer install a solid fence or berm and landscaping (5' or higher) along the north and east sides of the site that adjoins the single family residences for privacy as required by Chapter 88-425-05-C-4 prior to occupancy.

The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, prior to occupancy.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

SD1503 and **Case No. 5656-CP-15** were on the consent agenda; put on hold due to applicants not present.

RE:	Case No. 8897-P-4
APPELLANT:	Bill Nigro 4021B Pennsylvania Kansas City, MO 64111
PROPERTY OWNER:	Doug Weltner Westport Nall Investors, LP 4520 Main St, Suite 1000 Kansas City, MO 64111
LOCATION:	Southeast corner of Westport Road and Mill Street (501 Westport Road)
REQUEST:	An appeal of the city planning and development director's decision on a site plan application, per jurisdiction of the Zoning & Development Code, Section 88-530-10-A

Quorum: Gutierrez, Martin, May, Macy, Archie and Crawl.

Commissioner Baker-Hughes recused

Ms. Diane Binckley, Assistant Secretary, updated the Commissioners on what had transpired with this matter since the last meeting; she stated that the developer and the applicant had come to an agreement on the entrances/exits of the property and requested this matter be dismissed.

Vice Chair Archie moved and Commissioner Crowl seconded the motion to **DISMISS Case No. 8897-P-4.**

Motion carried 4-0

VOTING AYE: Archie, Crowl, May, and Macy
VOTING NAY: None
RECUSED: Baker-Hughes
ABSENT: Martin, Gutierrez

RE: Case No. 12202-SU-2

APPLICANT: Dan Braik
Braik Brothers Tree Care
8378 Interstate 70 Drive, SE
Columbia, MO 65201

AGENT: Matthew Hunt
Braik Brothers Tree Care
8378 Interstate 70 Drive, SE
Columbia, MO 65201

OWNER: Kevin J. Slyester
1609 Crystal Ave
Kansas City, MO 64126

LOCATION: Generally located at the northwest corner of Highway 40 and Manchester Trfy.

REQUESTS: To consider approval of a special use permit in District M1-5 (Manufacturing 1 (dash 5)) to allow for a general recycling service use and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Matthew Hunt; they would be following local policies and ordinances for their operation and would like their approval.

Commissioner Crowl asked how many trucks they would have coming in and out of the site; and how many trips per day; and what was the noise expectation from the operation?

Mr. Hunt answered no more than three and the trips would depend on the workload at the time; the only time there would be noise would be at the time of the grinding the only time, but it wouldn't last more than two or three days; sounded like a tractor/trailer trying to go up hill; it was a diesel powered machine; hours of operation, Monday through Friday, 7 to approximately 5:30 p.m.; never after dark.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition to this matter.

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 12202-SU-2 WITH THE FOLLOWING ONE CONDITION:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to Board of Zoning Adjustment consideration:
 - a. That a title be added to the plan stating "Special Use Permit for Recycling Service, General".
 - b. That the height of the berm be noted.
 - c. That a table of development notes be added to the plan providing the following:
 - a. Zoning of subject site (M1-5) be provided.
 - b. That the land area of the site be provided.
 - c. Hours and days of operation be provided.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: Case No. 5656-CP-15

APPLICANT: Matthew D. Connolly, AIA
MDC Architecture, Inc.
7806 Foster
Overland Park, KS 66204

OWNER: Mirason Properties, LLC
1201 W 103rd St
Kansas City, MO 64114

LOCATION: Generally located at 1201 W 103rd St.

REQUEST: To consider approval of a final plan in District B2-2 (Neighborhood Business 2), to allow the renovation of an existing shopping center.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Matthew D. Connolly, AIA, 7806 Foster, Overland Park, Kansas 66204, had signed the consent agenda and agreed to all the conditions in the staff report .

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 5656-CP-15 SUBJECT TO THE FOLLOWING ONE CONDITION:**

1. That one (1) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, REVISED AS NOTED BELOW, be submitted to Development Management staff (15th Floor, City Hall), PRIOR TO BUILDING PERMIT showing:
 - a. Distinguish between existing and proposed conditions with all building materials (existing and proposed) labeled including color of materials.
 - b. A note stating that all signs shall comply with 88-445 of the zoning and development code.
 - c. The height of the proposed raised and arched panels.
 - d. A landscape plan prepared by a landscape architect showing existing and proposed landscaping.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: **Case No. 12840-SU-5**

APPLICANT: Karen Christiansen, COO
The Nelson Gallery Foundation
4525 Oak St
Kansas City, MO 64112

AGENT: Charles Renner, Esq.
Husch Blackwell, LLP
4801 Main St, Suite 1000
Kansas City, MO 64112

LOCATION: Generally located at 400 E 45th St.

REQUESTS: To consider approval of a two-year extension of an existing special use permit in District R-5 (Residential 5) to allow the continued operation of a library/museum/cultural exhibit use and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Charles Renner, Housh Blackwell representing the applicant; the Bishop House was used for museum staff and curator personnel. It was unique in the context that it was a renewal for a use that had been occurring since 2002; secondly, it was apart connected to the long term plans for the museum and the community surrounding. The last approval given was 5 years ago and among the aspects within that 5 year window was the anticipation of long-term planning; that continued and they might be aware of some coverage in the media about the planning for the museum area, in general. It was premature to have finalized every single component; so in working with staff, they had the thing that made most sense was to approach that was a status quo manner that did not push the Bishop House to be vacant or other issues but also not to create some window that was well beyond what they had anticipated to be an actual full planning stage.

He wanted them to hear from one of their Board of Trustees members, Shirley Helzberg; then Mr. Steve Waterman, part of the curator personnel to talk about the details of what was done there.

Ms. Shirley Helzberg, Chair of the Board of Trustees; as a Board of Trustees they were in a fiduciary responsibility and long term direction of the museum. As they had heard, their team needed to continue working on the property at the Bishop's House. It had been vital to the operation since 2002 and it contributed to the community in so many ways. As they knew, they completed the Block (sic) Building in 2007 which had brought wonderful things to the City. They had consistent growth in their attendance reaching over one-half million people and it was free. It was really important; they also did curriculum and worked with the schools throughout the community reaching over 450 teachers each year; it was vital that they had this wonderful Bishop's House to continue their growth. They had to look to the future; so they could continue to build upon the success and the Bishop's House was truly important to that aspect.

Mr. Julian (inaudible), Director of the museum; they were planning and strategically also the growth, what was the needed growth for 10, 20, 30 years ahead of us. With great opportunities there were also challenges and the challenges was for instance, growing staff and accommodating staff is paramount to them; in continue to grow they had to think about the legacy for tomorrow.

Mr. Steve Waterman, Nelson Atkins Museum; he narrated slides showing the layout of the museum and the Bishop's House; still trying to maintain what had been maintained since 2007

and there hadn't been any change to the inside of the building in the last few years; there were 4 departments in the building, about 15 people; they had an active internship program; then he narrated the floor plan of the building.

Mr. Renner stated what they were asking for today was essentially a status quo extension of the use of the Bishop House. It was vital in with respect to its impact relative to the museum and maintained with property they owned neighboring the Bishop House and it was compatible with the neighborhood. The staff report was very thorough in defining the property and the history and use of the property; they had received approximately 34 letters of support from the area and the community and the region at-large.

Commissioner May asked about the other properties on the block that the museum owned; what were their purposes?

Mr. Waterman responded they had presentation groups, design staff, exhibition management staff; the other house; those were rentals and most of them were two-family rentals; and one was vacant and then the surface parking lot; they used as a free parking lot for visitors.

Chairwoman Macy opened up the discussion to the public.

Mr. Gaylen Messman, Rockhill Association; they supported the museum; it boiled down to when the museum started discussing those properties and using them for whatever they might intend and then moving into commercial purposes eventually; that was something that was yet to be determined but they put out renderings of drawings this year that showed that very thing to be in store; their objective was not to interfere with the museum's operations, did all they could to do what they thought was in the best interest of the museum which they believed was to maintain a strong neighborhood around the museum; after 5 years of special use permit plus years prior to that of using the Bishop's House now they were saying give them 2 more years and they would get a plan. By their own testimony, they didn't have a plan at that point and they had 5 years to get one; it was supposed to be used especially after the period of the Block Building was finished and that had been done for 7 years now.

Mr. Jim Wanswer, 612 Brushcreek Blvd; past president of the homes association; there were institutions and conflicts that could be resolved in a healthy manner when there was authentic dialogue; they were greatly appreciative of the quality of institution that the Nelson was; they were that crown-jewel to the City; but why was it they felt like they were lousy neighbors; why did they feel that there was always the contingent that had gone on for the last 10 years with that fine institution. There had been decades previously where the neighborhood was in harmony with the Nelson; and what were the key factors; it was simply that the senior staff of the Nelson, the Board of Trustees, going down that list, they didn't live in Midtown. They were protective of their neighborhood because they had senior staff and trustees who were making decisions about their neighborhood but did not live there.

They had gathered 200 signatures in a Petition for review; nine letters of neighborhood leaders who were expressing opposition to the continued use of a special use. They were a small neighborhood of about 100 homes; they were the national, state and regional state historic

registries. Then there was the lack of a master plan from the Nelson; for 10 years they had been told another 6 months, another 6 months and they still didn't have a master plan. They had only heard one message from the Nelson "we own these properties and we will do what we want with them"; that had been very consistent but never had they engaged in authentic dialogue and creative thinking.

They would ask their help in protecting the fabric of their neighborhood which was a great neighborhood in the Kansas City area; out of respect for those who came down there to City Hall he would ask those in opposition to stand up; (most of the crowd stood.)

The Nelson had the opportunity, they have had 5 years in which to address their office needs and they continued to address those needs on the back of their neighborhood; they supported the Nelson and wanted their best success but they needed to do it not to encroach on their neighborhood. They had taken such a hard position because the Nelson had taken an arrogant, powerful, disrespectful position to their neighborhood; those were strong words but remember they were responding to their encroachment.

Mr. Chris Gill, 4637 Charlotte; he wanted to support for the permit; the requested two year period wouldn't have any adverse effect on the neighborhood; he hadn't heard any of the neighbors talk about adverse impact for the specific proposal; the other proposals needed to be considered at another time in terms of the overall strategic plan of the Nelson and he thought they needed to stick with the issue at hand which was the two-year extension. He was involved with the Nelson and he was sick and tired of the war, the battle, between neighbors and the Nelson; he thought the Nelson had been a good neighbor.

Mr. Lee Berryman, 4535 Rockhill Terrace; Nelson was a wonderful thing for the City; his concerns were the potential use of the residential properties in their neighborhood; strong neighborhoods make a strong city. The Nelson needed to get out of being a residential property owner; he could support the neighborhood to continue having it a strong neighborhood in putting their residential properties for sale; and then show they could be one of the first institutions to invest in property along Troost Avenue in going along with the City's new plan of improving Troost.

Mr. Renner responded; one phrase they had heard today was "authentic dialogue" and to be blunt, he thought the way they had looked at the long term planning questions was engagement with the community and secondly there be efforts to find consensus. He thought there was plenty of evidence there that was not always simple but there was definitely that occurring which included discussing different thoughts; sometimes a request to extend a special use permit was simply a request to extend a special use permit that was all they were asking for; what they had seen today was how the facility was being used in a compatible, adaptive way, a request to continue that while discussions continue and that was all their request was and they appreciated any questions the Commission had.

DISCUSSION:

Commissioner Archie asked the applicant about splitting it in half; making it one year instead of two.

Mr. Renner responded that would put them in the same difficulty that they were now in if there was not an approval at all.

Commissioner Archie stated he remembered having a discussion with Mark Nelson about 14 years ago leading for the expansion and he said there were 3 things very important to him and that was broader community engagement; he said he wanted to have more thoughtful exhibits and he wanted to have a broader community or cultural reach; he knew there had been a broader cultural reach and he knew that the exhibits had been very friendly to a broader community; community engagement was still a very important factor and the more that happened the better they could resolve those kinds of issues. One thing was very clear, the Rockhill Neighborhood was very interested in having neighbors that were residential which wasn't on the docket today, but it was reasonable that they could use the current use as it was in order to move toward some dialogue where that issue would be resolved between them and the community. He thought the request was not unreasonable for a period of two years to move toward that direction.

Commissioner Crowl responded he agreed; the biggest opposition he heard was wanting to revert the houses back into residential.

Commissioner Baker-Hughes stated she hoped within those two years there would be more of a priority on those meaningful conversations that needed to be had so there was a plan; she would hate to see it go vacant, so two years did give an opportunity for more meaningful dialogue and sets the bar.

Commissioner May agreed; and hoped that as time passed there would be meaningful dialogue with these two years.

Vice Chair Archie moved and Commissioner Crowl seconded the motion to **APPROVE Case No. 12840-SU-5 SUBJECT TO THE FOLLOWING ONE CONDITION:**

1. That the special use is limited to administrative offices associated with a library/museum/cultural exhibit use with said special use permit expiring two (2) years from date of Board of Zoning Adjustment approval.

Motion carried 5-0

VOTING AYE:	Archie, Baker-Hughes, Crowl, May, and Macy
VOTING NAY:	None
ABSENT:	Martin, Gutierrez

RE: a) 14538-P
b) 14538-P-1

APPLICANT: James Peterson

J.A. Peterson Enterprises, Inc.
1000 W 75th Street, Suite 100
Shawnee Mission, KS 66204

AGENT: Brian P. Forquer
Lutjen, Inc.
1301 Burlington, #100
North Kansas City, MO 64116

LOCATION: Generally located east of N Flintlock Road and south of NE 89th Street

AREA: About 80.31 acres

REQUEST: a) **Case No. 14538-P:** To consider rezoning from District R-80 (residential dash 80) to District R-7.5 (residential dash 7.5); and
b) **Case No. 14538-P-1:** Approval of a preliminary development plan that also serves as a preliminary plat for 82 single family residential lots and 8 private open space tracts.

Vice Chair Archie recused.

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Brian Forquor, Lutjen, Inc. and Mr. James Peterson were in agreement with the staff report and all conditions.

Chairwoman Macy opened up the discussion to the public.

Mr. Chad Elliott, 9616 NE 89th Street; he was proposing to add 82 more lots and the only amenities he was proposing was some additional trails. In 2006, there was a staff report that showed that the purpose was for a tennis court and years later they still didn't have any sign, or plan or any proposal as to when that was actually to be built. At that time, James Peterson had mentioned that he would work with the neighborhoods to either put in a pool, an extended pool or the tennis court but not one or the other. At the current time, the size of the pool didn't meet what should be for the size the neighborhood that had been proposed. They had learned that Peterson had taken over the Board about one year ago; he fired the entire Board and now he completely controlled the Board. There were a few people on it, but they really had no vote due to the fact that James Peterson & Company had 40 per empty lot so when he added 82 more lots it would even add more to it as reflected in the Notification of the rezoning.

They were not against the rezoning; what they were asking for was an indefinite continuance until he could give them a clear plan as to what he was going to do for the amenities of the

neighborhood because now he would be basically adding on to it that wasn't in the plan when they purchased their homes; they had a very clear idea as to what they were going to see and they bought based on that site.

They also had an issue with the traffic or the traffic that would be increased when attached to the commercial and retail street on Evanston; and they had seen it in other neighborhoods when they started connecting to rebuild it increased the traffic, people just coming through the neighborhood as a short cut and the current 88th Street entrance was a challenging entrance to exit on any given day; there was a school across street and safety was a concern; there was a large apartment complex, a library and another large neighborhood and then the expansion of the neighborhood.

The neighborhood had signed a petition, they had 154 votes that showed that they were in agreement with what he was there presenting today; and some more in the audience were there to support them; they were basically asking for a continuance until James Peterson could give them in writing a proposed date and plan for the tennis court that was proposed back in 2006; what was he going to do to add additional amenities in the form of another pool or an expansion of the current pool and what he would do to work with the City to help combat traffic.

Mr. Forquor all the items that had been brought up, Mr. Peterson did discuss with the neighborhood and had continuing discussions with them.

Mr. Peterson answered that he and Mr. Elliott had spent several hours on the telephone talking about it and they did have a community meeting where they talked about it for several hours as well. The primary problem had arisen because the tennis court wasn't there; it was on their original plan for the community; when it was planned it was along the power easement and that was explained to them that to build a tennis court because KCP&L owned the easement and the power line and they told them several years ago they could build the tennis courts if they wanted to but it had to have a fence that was 4 feet tall; which didn't work for most people. In the meantime, he thought the market had changed and he thought the community would benefit more from the increased pool space rather than a tennis court and as he tried to explain that he would like to do something to help their values of those future lots and it would help their values of their properties. They had proposed a community survey to make their preference known, extended swimming pool or tennis court. He thought they would find out that the community members used pools more than they used tennis courts and would probably be a better investment for the community.

He thought to suspend or to have a permanent continuance until that matter could be resolved would be over burdensome; the market was there for the community, they were creating a lot of value for the community in that area and they would like to move forward and continue to work with the community.

Chairwoman Macy asked when the development to the north when was it developed?

Mr. Peterson answered it was still under development; he had quite a few homes under construction currently; it had probably been over 10 years in various phases.

Chairwoman Macy asked when he developed the proposal and used marketing materials, did he include a pool and tennis court.

Mr. Peterson answered there was a plan for those yes underneath the Power & Light easement.

Chairwoman Macy asked if he still used that as marketing material.

Mr. Peterson he nodded (didn't see yes or no).

Commissioner Crowl asked if it would still be a part of the Copperleaf Subdivision and had the Homeowner's Association seen it.

Mr. Peterson answered yes and they had a 3 hour meeting with 36 people signing in and they had quite a few that didn't sign in; he had returned every phone call that he had received and made himself available to discuss the plan with the community.

Chairwoman Macy asked if he could explain the voting and how all that took place.

Mr. Peterson answered that the way the HOA was set up; the developer developed lots; they had 40 votes per vacant lot until it was sold and then when it was transferred to a buyer then they receive 1 vote. Some of the community members did not like that; they had that information available when they bought their lot. He thought it provided them the opportunity to maintain the stability in the neighborhood and helped the neighborhood get on its feet. For example, in speaking to their efforts in getting the neighborhood on its feet he had been caring for all the open spaces up until last year and the community had, with accusations and disappointment, the community wanted the HOA to own all the open spaces but when given to them, they were complaining, some of them, that it cost too much to take care of them. They had spent 100s of thousands of dollars caring for those open spaces that they really didn't need to but they were trying to do the best they could for the community.

Commissioner May stated she was concerned that a site plan was presented to buyers and that was the reason they bought a lot and now it was being changed or not followed through.

Chairwoman Macy stated that they were a land use Board and she typically tried to stay out of HOA discussions; however, she would like to say to Mr. Peterson, she thought he should have dialogue with his neighbors; that did not sound right with what they were doing; to impact the residents that had already bought into his community, she thought it would be best to think about amenities to serve those new lots to not impact what they had already.

Commissioner Baker-Hughes moved and Commissioner May seconded the motion to **CONTINUE** these matters to the April 21, 2015 meeting date without fee (**With Testimony – Quorum Set: Baker-Hughes, Crowl, May, and Macy**)

Motion carried 3-1.

VOTING AYE: Baker-Hughes, Crowl, May
VOTING NAY: Macy
RECUSED: Archie
ABSENT: Martin, Gutierrez

RE: Case No. 14544-SU

APPLICANT: Leah Fitzgerald
Van Trust Real Estate
4900 Main Street #400
Kansas City, MO 64118

PROPERTY OWNER: The Curators of the University of Missouri
316 University Hall
Columbia, MO 65211

AGENT: John Honiotes
Lutjen, Inc.
1301 Burlington Street #100
North Kansas City, MO 64116

LOCATION: Generally about 160 feet south of the southeast corner of E 52nd Street and Cherry Street.

AREA: About 1.04 acres

REQUESTS: About 1.04 acres generally located about 160 feet south of the southeast corner of E 52nd Street and Cherry Street, to consider the approval of a Special Use Permit in District R-6 (Residential 6) for the reuse of an existing Historic Landmark for use as a Club, Lodge or Fraternal Organization.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Tom McGee stated they had been working on this for quite some time; there were representatives in the audience there to express their support; and they were there to get the okay for the special use permit and then would be coming back with a more detailed plan. They were in agreement with the staff report and recommendations.

Chairwoman Macy opened discussion to the public.

Mr. Kevin Spear; was there in support; they were in discussions and they had compromised and were looking forward to finding a way to make it work.

Vice Chair Archie moved and Commissioner Crowl seconded the motion to **APPROVE Case No. 14544-SU SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) copies of revised, collated, folded and stapled plans (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) be submitted to Development Management staff prior to issuance of a Building Permit showing the following:
 - a. Show a revision date.
 - b. Show general concept and location of storm water management.
 - c. Show sidewalk extended to southern property line along Cherry St.
 - d. Revise existing and proposed storm line, so they do not cross property lines.
 - e. Sheet C050, Item J, change total parking required to 0 and total parking provided as 0.
 - f. Sheet C050, Item J, Show that there are three required short term bicycle parking spaces, show where they are and a cut sheet of the proposal.
 - g. Sheet L100, Show street trees at 1 tree per 30 feet on Cherry Street as required by City Development Department staff.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Split Plat.
3. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
4. The developer shall verify vertical and horizontal sight distance for the drive connection to Cherry St and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
5. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches

no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

6. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: a) **Case No. 10251-P-27**
b) **Case No. 10251-P-28**
c) **Case No. 10251-P-29**

APPLICANT: R&T Investments, LLC
9400 N.W. Prairie View Road
Kansas City, MO 64153

AGENT: James C. Bowers, Jr. c/o Elaine Bowers
White Goss
4510 Bellevue, Suite 300
Kansas City, MO 64111

LOCATION: Generally located at 9300 and 9400 NW Prairie View Road, approximately 1,000 feet north of NW Tiffany Springs Road

AREA: a) about 12.92 acres
b) about 8.82 acres
c) about 8.82 acres

REQUESTS: a) **Case No. 10251-P-27** – About 12.92 acres generally located at 9300 and 9400 NW Prairie View Road, approximately 1,000 feet north of NW Tiffany Springs Road to consider the approval of

an amendment to a Chapter 80 Zoning plan in District GP-3 (regional business), now B 3-3 (Community Business (dash 3)), by removing the north 5.50 acres from the plan, also known as Lot 2 and Tract B, Tiffany Springs Auto Plaza II, and thereby leaving the south 7.42 acre portion, also known as Lot 1 and Tract A, Tiffany Springs Auto Plaza II.

b) Case No. 10251-P-28 -- Case No. 10251-P-28 -- About 8.82 acres generally located, 1,000 feet north of NW Tiffany Springs Road to consider rezoning the site from Districts M 2-3 (Manufacturing 2 (dash 3), AG-R (Agricultural-Residential) and B 3-3 (Community Business (dash 3)), to District B 3-3 (Community Business (dash 3)).

c) Case No. 10251-P-29 -- About 8.82 acres generally located, 1,000 feet north of NW Tiffany Springs Road to consider the approval of a development plan in District B 3-3 (Community Business (dash 3)) for motorcycle sales and service, storm water detention and an outdoor training (rider course).

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Jim Bowers, White Goss Corporation, 4510 Bellevue there on behalf of the applicant; it was to train future motorcycle riders to properly ride a motorcycle and then get an endorsement on their license; they were doing it in conjunction with the Missouri Department of Revenue who certified locations in the state and he thought that would be the second one in Missouri to be certified to allow that to take place.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 10251-P-27; Case No. 10251-P-28; Case No. 10251-P-29 SUBJECT TO THE FOLLOWING CONDITIONS:**

a) Case No. 10251-P-27 – Approval with the following conditions:

1. That the developer submit an update to the previously accepted micro storm drainage study for the development to address the development amendments along with a BMP level of service analysis for review and acceptance prior to issuance of any building permits and make necessary improvements as required by Development Services prior to the issuance of any certificate of occupancy.

2. That the developer secure a site disturbance permit from Development Services prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more.
3. That the developer grant a BMP Easement to the City, if any, as required by Development Services, prior to the issuance of any certificate of occupancy.
4. That the developer submit a final plan to the City Plan Commission for approval, including plans for grading, landscaping, screening, berming, photometric study and building elevation drawings.

b) Case No. 10251-P-28 – Approval with no conditions.

c) Case No. 10251-P-29 -- Approval with the following conditions:

1. That two (2) copies of revised, collated, folded and stapled plans (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) be submitted to Development Management staff prior to issuance of a Building Permit showing the following:
 - a. Show Drainage Easement over existing public storm sewer along property line between Lot 2A and Lot 2.
 - b. Show Sewer Easement over existing public sanitary sewer along property line between Lot 2A and Lot 2.
 - c. Change the plan to include all existing site information including the front pavilion.
 - d. Change the rider course measurements to 260 ft instead of 235 ft.
 - e. Include street trees and sidewalks as per requirements of Chapter 88 for N Congress Avenue.
2. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
3. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

4. The developer shall provide acceptable easements for existing public storm sewer and sanitary sewer as required by Land Development Division. That the developer submit an update to the previously accepted micro storm drainage study for the development to address the development amendments along with a BMP level of service analysis for review and acceptance prior to issuance of any building permits and make necessary improvements as required by Development Services prior to the issuance of any certificate of occupancy.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: Case No. 14543-UR

APPLICANT: Matt Nichols
Nichols & Co. Photography, LLC
2006 Baltimore Avenue
Kansas City, MO 64153

AGENT: Same as above

OWNER: Harmony Property Holdings, LLC
11800 N. Tracy Street
Kansas City, MO 64155

LOCATION: Generally located at the southeast corner of E 5th Street and Troost Avenue

AREA: 0.202 acres

REQUESTS: About 0.202 acres at the southeast corner of E 5th Street and Troost Avenue, to consider rezoning the site from District B 3-2 (Community business (dash 2)) to District UR (Urban Redevelopment District) and the approval of a development plan for a Photography studio.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Matt Nichols, 1111 E. 5th St., Kansas City, Missouri; he agreed with the staff report and all the recommendations; he had met several times with the Columbus Park Board as to what kind of business and the long term plans for the property; there were no objections to that they were

very excited to have a new business coming to the neighborhood. He held a public meeting with the residents and they were in support and were excited; there were no major objections for his business.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 14543-UR SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) copies of revised, collated, folded and stapled plans (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) be submitted to Development Management staff prior to issuance of a Building Permit showing the following:
 - a. Include the following note: Modify the development plan to include a note that: "The developer understands that there is no expectation that the City is required to provide on-street parking for this development plan. The developer may apply to Public Works Department for on-street handicap parking space at any time, at the applicant's risk. Any parking spaces provided are at the sole discretion of the City, and may be removed at any time if the City determines it to be necessary. "
 - b. Include the following note on the plan: "The developer must apply for a code modification request for waiver of off-street maneuvering for loading and unloading requirement, at the applicant's risk.
 - c. Add street trees to the project at a rate of 1 tree per 30 feet or as required by Parks and Recreation Department staff.
 - d. Add required long term and short term bicycle parking, show the locations and include cut-sheets for the type of structure used.
 - e. Remove OPT. designation on elevations.
 - f. Include fencing materials acceptable to City Development Department staff.
2. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all

development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

3. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
4. The developer must apply for a code modification request for waiver of off-street maneuvering for loading and unloading requirement, at the applicant's risk.
5. That the developer apply for an encroachment license if applicable for any construction of the project into the Troost right of way.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

RE: Case No. 10346-SU-1

APPLICANT/ AGENT: Carl Markus, Jr.
425 Gladstone Blvd.
Kansas City, MO 64124

PROPERTY OWNER: Carl Markus, Jr. & Stephan M. Zweifler
425 Gladstone Blvd.
Kansas City, MO 64124

LOCATION: 425 Gladstone Boulevard

AREA: 0.25 acres.

REQUESTS: To consider a request for a Special Use Permit in District R-7.5 (Residential 7.5) to allow for the reuse of an officially designated historic landmark building for a Bed and Breakfast.

Commissioner Baker-Hughes recused.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Stephan Switzer and Mr. Carl Markers agreed with the staff report and all of the recommendations contained within it.

Chairwoman Macy opened discussion to the public.

Ms. Vicki Stone, owner of Gem Stone Bed and Breakfast; 2 ½ years ago she stood before them asking permission for a special use permit to open her business; she wanted to say how much she supported what they were trying to do; please approve their application.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 10346-SU-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
 - a. Address all the corrections on the checklist handed out by Development Management Division at the March 25, 2015 DRC meeting.
 - b. Title of plan to read "Special Use Permit For Inn At 425".
2. That the developer obtain approval from the Board of Zoning Adjustment for a Special Use Permit and all necessary variances prior to issuance of Building Permit.

Motion carried 5-0

VOTING AYE:	Archie, Crawl, May, and Macy
VOTING NAY:	None
RECUSED:	Baker-Hughes
ABSENT:	Martin, Gutierrez

RE: Case No. 14545-SU

APPLICANT/ AGENT: Vince LaTona
LaTona Architects
1600 Genessee
Kansas City, MO 64102

OWNER: Raman Property, LLC
3800 E. Gregory Boulevard

Kansas City, MO 64132

LOCATION: **3800 E. Gregory Boulevard** - Generally located at the northeast corner of Cleveland Avenue and E. Gregory Boulevard.

AREA: About 0.28 acres.

ZONING: B1-1 (Neighborhood Business 1 dash 1).

REQUESTS: To consider approval of a request for a Special Use Permit in District B1-1 (Neighborhood Business 1 dash 1), to allow for a new 25' x 50' gas canopy with two islands (4 pumps) to the existing convenience store, plus any necessary variances.

Ms. Diane Binckley requested this case to be continued to the April 21, 2015 meeting date with one \$130.00 fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **CONTINUE** this matter to the April 21, 2015 meeting date with one \$130.00 fee (Without testimony – No Set Quorum).

Motion carried 5-0

VOTING AYE:	Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY:	None
ABSENT:	Martin, Gutierrez

RE:

- a) **Case 10390-URD-10**
- b) **Case 10390-MPD-11**
- c) **SD 1176B – Final Plat, Three Trial Commerce Center**

APPLICANT: Brent Miles
NPIF2 Three Trials Industrial Park, LLC
5015 NW Canal Street
Riverside, MO 64150

OWNER: NPIF2 Three Trials Industrial Park, LLC
5015 NW Canal Street
Riverside, MO 64150

LOCATION: Generally bounded by E. 87th Street on the north, Interstate 435 on the east, E. Bannister Road on the south, and Bruce R. Watkins

Drive (US Hwy 71) on the west.

AREA: Approximately 460 acres & 57 acres

- REQUESTS:**
- a) **Case No. 10390-URD-10** - To consider the request to amend the existing URD plan on about 460 acres, by rezoning the tract of land from District URD to District UR for the purpose of amending the UR plan to delete 57 acres from said URD development plan.
 - b) **Case No. 10390-MPD-11** – To consider a request to rezone about 57 acres generally located on the south side of E. 87th Street and the east side of Bruce R. Watkins Drive (US Hwy 71), from District UR (Urban Redevelopment) to MPD (Master Planned District) and approval of a development plan which also serves as a preliminary plat, to allow for 700,000 square foot of general industrial development on two lots.
 - c) **SD 1176B – Final Plat, Three Trails Commerce Center** - To consider approval of a final plat in District MPD on approximately 57 acres generally located on the south side of E. 87th Street and the east side of Bruce R. Watkins Drive (US Hwy 71), creating two (2) industrial lots and one (1) tract.

Ms. Diane Binckley requested this case to be continued off docket without fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Martin seconded the motion to **CONTINUE** this matter **OFF DOCKET** without fee (Without testimony – No Set Quorum).

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

Re: a) **Case No. 254-S-303** (26)
b) **Case No. 14547-P** (27)
c) **Case No. 14550-P** (28)

Applicants: Councilpersons Jan Marcason and Jim Glover

Proponents: Downtown Council, the Greater Downtown Area Plan (GDAP) Implementation Committee, the Downtown Neighborhood Association, and other organizations and individuals

Property Owners: Various

REQUESTS:

- a) **Case No. 254-S-303** -- Amending Chapter 88, Zoning & Development Code, Sections 88-130 Downtown Districts, 88-340 Drive-Through Facilities, 88-420 Parking and Loading, 88-425 Landscaping and Screening, 88-810 Definitions, and potential addition of Section 88-338 Downtown Development.
- b) **Case No. 14547-P** – To consider rezoning approximately 125 acres within two areas located within the downtown loop (bounded by Interstate 35/70 on the north, Interstate 70 on the east; Interstate 670 on the south, and Interstate 35 on the west) and located 1) generally west of Wyandotte Street, Central Street, and Broadway Boulevard and 2) generally east of Grand Boulevard and Locust Street from Districts R-0.5 (Residential 0.5), R-1.5 (Residential 1.5), B4-5 (Heavy Business/Commercial, dash 5), and M1-5 (Manufacturing 1, dash 5) to District DC (Downtown Core) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)
- c) **Case No. 14550-P** – To consider rezoning approximately 1.15 acre located on the south side of W. 9th Street between Pennsylvania Avenue and Washington Street from Districts R-0.5 (Residential 0.5) and M1-5 (Manufacturing 1, dash 5) to District DR (Downtown Residential) and approximately 0.8 acre located on the east side of Washington Street, between 11th Street and 12th Street, from District B4-5 (Heavy Business/Commercial, dash 5) to District DR (Downtown Residential) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)

Ms. Patty Noll, Staff Planner, and Mr. Gerald Williams, Staff Planner, presented the staff report and recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from applicant.

Bill (never said his last name).....stated this was a very important issue for greater downtown; and would like to thank staff for their outreach and this was a huge detailed undertaking including 15 neighborhoods in the greater downtown area; it had been aligned with the goals and vision of the downtown to be more connected for a more multi-use. They definitely supported updating the Greater Downtown Area Plan; it would encourage a more sustainable growth; it was very clear in the guidelines for developers going into projects.

Chairwoman Macy opened discussion to the public.

Mr. Thomas Moorefield on behalf of the Downtown Neighborhood Association and they strongly supported the rezoning; they wanted to emphasize that it was not idle language created in a vacuum the neighborhood worked with the Downtown Council, businesses, developers, planning and designing professionals and City staff to carefully consider all of those resulting in the recommendations that they had before them today. The City established a very strong vision for downtown several years ago; the neighborhood had been struggling ever since of that regulatory gap between the intention of the Greater Downtown Area Plan and the tools; now that the streetcar construction was credible to the downtown development and they needed the tools to make more development to happen.

Ms. Joy Coda, 321 7th Street; and supported the rezoning as well; within the next two years they would have over 3,000 new apartments available; and they would be anticipating a walkable, connected neighborhoods.

Mr. Fred Gammon, 7th Street a new Kansas City resident since November 2013; excited about what was going on downtown; he invested substantially in a loft and he thought there were great opportunities in downtown; as attorney he had worked with the government staff and he must say their staff was outstanding by coming out at night working hard and being dedicated.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 254-S-303; Case No. 14547-P; and Case No. 14550-P SUBJECT TO THE FOLLOWING CONDITIONS:**

- a) **Case No. 254-S-303** – Amending Chapter 88, Zoning & Development Code, Sections 88-130 Downtown Districts, 88-340 Drive-Through Facilities, 88-420 Parking and Loading, 88-425 Landscaping and Screening, 88-810 Definitions, and potential addition of Section 88-338 Downtown Development.
City Planning & Development Department Staff recommends approval.
- b) **Case No. 14547-P** – To consider rezoning approximately 125 acres within two areas located within the downtown loop (bounded by Interstate 35/70 on the north, Interstate 70 on the east; Interstate 670 on the south, and Interstate 35 on the west) and located 1) generally west of Wyandotte Street, Central Street, and Broadway Boulevard and 2) generally east of Grand Boulevard and Locust Street from Districts R-0.5 (Residential 0.5), R-1.5 (Residential 1.5), B4-5 (Heavy Business/Commercial, dash 5), and M1-5 (Manufacturing 1, dash 5) to District DC (Downtown Core) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)
City Planning & Development Department staff recommends approval.
- c) **Case No. 14550-P** – To consider rezoning approximately 1.15 acre located on the south side of W. 9th Street between Pennsylvania Avenue and Washington Street from Districts R-0.5 (Residential 0.5) and M1-5 (Manufacturing 1, dash 5) to District DR (Downtown Residential) and approximately 0.8 acre located on the east side of Washington Street, between 11th Street and 12th Street, from District B4-5 (Heavy Business/Commercial, dash 5) to District DR (Downtown Residential) as recommended by the Greater

Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

Re: **Case No. 5486-UR-7** (29)

Applicant: **Russ Friesen, O'Neill Hotels & Resorts Ltd.**

Property Owner: **Jeffrey & Jeanie Peterson**

Agent: **Tom Eatman, Builders by Design**
TEatman@bbdkc.com

Location: Approximately 4.4 acres generally bounded by N.E. Chouteau Trafficway, N. Cleveland Avenue, and N.E. 43rd Terrace

Request: To amend a previously approved development plan in District UR (Urban Redevelopment) to allow construction of a hotel on the north side of N.E. 43rd Terrace

Ms. Patty Noll, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked about the cooperative agreement; it was not good when you couldn't get the owner to the east to get their involvement in approving that NE 43rd Terrace; she wanted to understand what the cooperative agreement was that was reached.

Ms. Noll stated she didn't believe they have had that conversation yet that was why it was a condition; there were 3 ways it could go (Ms. Noll read them from the staff report; cooperative agreement was one choice of the 3); work with City to gain right of way and that would be required to talk to the council people.

Chairwoman Macy asked why they would require them to do that.

Ms. Noll stated that their property abuts a residential street when it became a UR plan; and that was the City's only opportunity to finish the street.

Chairwoman Macy asked about the eastern side; did it involve the property they didn't own.

Ms. Noll showed the portion they owned; the current applicant owned the portion in "black"; they did not own tract sold for taxes.

Chairwoman Macy so are you asking them to do with NE 43rd Street.

Ms. Noll answered yes; the condition involves all that.

Chairwoman Macy stated she didn't understand how we can ask them to improve property they do not own on the eastern side; she understood on their property, but asking them to do the eastern all the way to the street, when it isn't their property.

Ms. Noll stated yes but it goes back to the original development plan with the original condition; somebody has to be responsible for it; they want the connection of some type sidewalk, etc. for safety.

Chairwoman Macy stated she could understand why they would want that because the area needs it, but it was hard for her to understand when that property was sold on the courthouse steps this developer, in my mind they don't own the property; that is not their property so can we dictate that they do something.

Mr. Brett Cox, Land Development, stated that all 3 parcels need to be plated; the platting requirement is that all roads be improved, that is why the entire frontage on NE 43rd Terrace is required to be improved.

Chairwoman Macy asked to hear from the applicant.

Mr. Emmitt Pearson, representing developers 36th Street; a couple of comments to staff's statement; they too share the concern of having them do all of the improvements that haven't been done heretofore; if it was possible to amend his own parcel they would; but that wasn't an option. Basically the condition of the previous developer was now upon them to do all the improvements to 43rd Street. They were willing to do their part, but that was going to be a big financial commitment that quite frankly jeopardized the project in its current form. In regards to the plat filed in Clay County; there was strong evidence a plat was created, a final plat and for whatever reason, did not seek or get final Council approval; the surveyor, the old plat, all of that information in conjunction with the City and it wasn't recorded; he didn't have any idea what happened to it, but there was strong evidence that plat was in fact in place. They were there today with a plan to build on vacant piece of land and hopefully inject some economic viability into the shops across the street; their neighbor, McDonalds, had given their consent and they were behind the plan. They were just trying to be good neighbors but they were very cost conscious as well. They would do their part, but they did not have the opportunity to just amend their own parcel. They had also tried to reach out to the owner of the east parcel through certified mail at the addresses shown by the City and the County; and they had physically gone to the address but to no avail.

Chairwoman Macy asked if he was in agreement with all of the conditions except for the improvements; where was he on the conditions?

Mr. Pearson that was a big condition for them; the other conditions they could live with, but that one was a big one as being a huge financial commitment. That was a very tough site to build on; so to put an additional financial burden on the developer that could can the project.

Commissioner May asked about TIFF.

Mr. Pearson stated they had a meeting scheduled; however, there was TIFF funding and that funding would be used to get the difficult site ready to build on; but they didn't know what level the TIFF funds were there.

Chairwoman Macy asked what he would want Condition #6 to state.

Mr. Pearson answered that they would develop it only on their parcel.

Chairwoman Macy asked if there could be another way to build the hotel if they had to amend the UR.

Ms. Noll stated that there wasn't a way; their ability was to relieve them of the improvements and make a contribution based on their responsibility so if the City ever came up with any additional funds the improvements could be made.

Mr. Pearson stated he could live with a cooperative agreement for future development with contribution.

Chairwoman Macy opened discussion to the public.

Mr. Keith Nelson, 4523 N. Bennington; he sat in on the March 24th meeting; he thought the developer was premature in coming to ask for approval there today; even though back in 2007 they were making the proposal; at that time there was quite a lot of opposition to the development. They scheduled a meeting with several neighborhoods; at the meeting the developer was not prepared to answer the questions, no printed literature for their group; there were still deep concerns about the proposal; they were not applying their best practices. Concerned about the future viability of the hotel; they said they would be catering to the railroad employees; what would happen when the contract ran out and not awarded again; they had seen trouble with future of those hotels in those blighted areas. There were 74 rooms in that hotel, and yet there was only 36 parking spots; what "if"; and supposedly they would be taking in other renters when the rooms weren't filled with railroaders. The project would almost have to see the site to believe it; it was unbelievable they were able to take shoehorn and fit the hotel on that site. On 46th Street Terrace, it dropped down and that was why the building was right up against the bank of that hillside he wouldn't even know how they would be able to get construction equipment across the creek; and then what would the impact be on the creek when they did the construction. They told them they would basically be no trees in the green area they would be cleared. They asked about a landscape plan and they weren't prepared with that; they wanted to know what the fencing was going to be like; they couldn't answer that.

They were loaded with unimproved streets; they constantly had seen developers come into their neighborhood and try to put a development on a postage stamp of green space; constantly they saw development lawyers get exemptions from that thing they were talking about there today, improvement of the street. Contributing funds, they found out that they didn't have to put as much money into the fund as it would actually cost them to improve the street; they had to start insisting that the streets got fixed for some reason some of the funds were being given to other neighborhoods and impact fees only were used for arterial roads not neighborhood streets.

I would recommend continuing this case until the developer comes up with solid plans.

Ms. Anita McWilliams; she had letters from the neighborhood and none of them are for this building going in on this small piece of property; this has been voted down by the neighborhood before; we want to keep this green space, it is the last one left; this is not what we want; Chouteau Traffic way is now a Parkway; down the street has better places to put a hotel with shopping, food places, etc. We just don't want this type of business here. They were promised there would be more meetings so they could work with those people; and he was sorry they were not excited about the project.

Mr. Pearson, said they had met with the neighbors for 2 ½ hours and Councilman Herman stated it was time to go; they came with 14 slides, about the site, the hotel itself; the only thing they did not have was the rear elevation; regarding fitting the hotel on a postage stamp, they had been able to fit the development with the appropriate parking spaces that staff had required them to do; and everything else the staff had required to get them to this point since September preparing for the hearing today; they had done their due diligence. As far as the improvements required, he didn't know how to get around that; they were not there with a bunch of lawyers trying to get around it; they were trying to work out a solution; the solution seemed to be the developer to take on the improvements.

Commissioner Archie asked about the traffic and lights.

Mr. Tom Eatman answered that the traffic would come and go from where traffic was now in the commercial area and that was primarily through the parking lot; there was no access to the property from the road to the south or 43rd Street; so no additional traffic would come into the neighborhood. The lighting would be on the north side of the hotel and the light would only leak somewhat to the south so there would be very little impact to the neighborhood.

Ms. Noll stated that when the applicant would submit a final plan they would submit a study showing the lights, etc.

DISCUSSION:

Chairwoman Macy stated this was a case they got sometimes to have a UR in which the developer, by using the UR was able to debate the lot split; although the City didn't recognize; it was a Catch 22; it was a messy property. On the other hand they wanted to encourage economic development and try to help the area out. Regarding the improvements to NE 43rd Street she

totally understood the Councilman stating they needed sidewalks there but she didn't know how to do that with not having that property owner there; so she agreed with the condition that they could either update for improvements to the property or put money into a fund; it gave the developer a choice.

Sadly for the neighbors in trying to get that park property right there they needed a sidewalk to get there; and the properties on the south side of the street with a large impervious surface it would be tough to get that pedestrian space in there.

It's difficult to figure out what to do there.

Commissioner May stated that Brett Cox had a statement to make and she wanted to hear what he had to say.

Mr. Cox wanted to clarify; if a cooperative agreement was made and a contribution was made that was set aside for improvements to NE 43rd Terrace and that it was separate from arterial street impact fees which they would still be required to pay with the building permit and that was used anywhere within that district; so those were two separate things.

Commissioner Archie stated as he read through the letters, there were some issues that they had a voice about or the legal issues; the fit of the lot of development for the space that was there and issues of ordinance and the things that might create problems and the problems that seemed to rise up in the discussions were the traffic and the lighting had been addressed; the decision of whether or not that development was generally appropriate for the site, he thought it was and it could fit there. The hotel could go into the site, the development was a reasonable fit considering the restraints that the property had itself; the issues of lighting and traffic could be addressed in reasonable ways. There were some statements about noise and he was not sure if they had a McDonald's across the street he didn't perceive the hotel would make more noise. Then the other issue, Condition #6, he did agree with the Chair, there should be some responsibility to the portion of the site that they were developing and whether or not that was not done by them repairing the sidewalks per standards or contributing to the fund, either one of those would be legitimate. He heard what the neighborhood was saying and he shared concern; he felt differently about what their responsibility was.

Vice Chair Archie moved and Commissioner Macy seconded the motion to **APPROVE Case No. 5486-UR-7 SUBJECT TO CONDITIONS.**

Motion failed 2-3

VOTING AYE:	Archie, Macy
VOTING NAY:	Baker-Hughes, Crawl, May
ABSENT:	Martin, Gutierrez

Commissioner Crawl moved and Commissioner May seconded the motion to **DENY Case No. 5486-UR-7.**

Motion carried 3-2.

VOTING AYE: Baker-Hughes, Crowl, May
VOTING NAY: Archie, Macy
ABSENT: Martin, Gutierrez

RE: SD 1503 – Final Plat, Switzer Apartments

APPLICANT: Steve Foutch
Foutch Brothers, LLC
8201 NW 97th Terrace
Kansas City, MO 64153

OWNER: Switzer Apartments, LLC
8201 NW 97th Terrace
Kansas City, MO 64153

LOCATION: Generally located south of W 18th Street, west of Summit Street,
north of W 20th Street and east of Belleview Avenue.

AREA: About 38 acres

REQUEST: To approve a final plat creating two (2) lots and the vacation of an
alleyway in District R-1.5 (Residential 1.5)

Ms. Diane Binckley requested this case to be continued to the April 21, 2015 meeting date with one \$130.00 fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **CONTINUE** this matter to the April 21, 2015 meeting date with one \$130.00 fee (Without testimony – No Set Quorum).

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crowl, May, and Macy
VOTING NAY: None
ABSENT: Martin, Gutierrez

Re: Case No. 254-S-293

Request: Amending Chapter 88, Section 88-445-11 Council Approved Signage Plan, to allow approval of such plan in Residential Districts, subject to provisions

Sponsor: Councilman Ed Ford introduced Ordinance 140396 on May 15, 2014. Various committee substitute ordinances have been discussed.

Ms. Diane Binckley requested this case to be continued to the April 21, 2015 meeting date without fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Crawl seconded the motion to **CONTINUE** this matter to the April 21, 2015 meeting date without fee (Without testimony – No Set Quorum).

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy

VOTING NAY: None

ABSENT: Martin, Gutierrez

Re: Case No. 254-S-302

Request: Amending Chapter 88, Zoning and Development Code, 400 Series Development Standards, to revise Section 88-405 Subdivision Design and Improvements and to create a new section 88-408 titled Parkland Dedication.

Sponsor: Jeffrey Williams, AICP, Director, City Planning & Development

Ms. Diane Binckley requested this case to be continued to the April 21, 2015 meeting date without fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **CONTINUE** this matter to the April 21, 2015 meeting date without fee (Without testimony – No Set Quorum).

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, May, and Macy

VOTING NAY: None

ABSENT: Martin, Gutierrez

There being no further business, Chairwoman Macy adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Babette Macy, Chairwoman